## Remarks

Claims 1-4 and 11 stand rejected as being anticipated by Lewis United States patent No. 3,674,231; Claim 10 stands rejected having been obvious to one of ordinary skill in the art over Lewis; and Claims 1 and 4-9 stand rejected as having been obvious over Rickards United States Patent Publication 2005/0035588 in view of Held United States patent No. 451,430. It is respectfully submitted that the instant claims are clearly patentable over the prior art.

Claim 1 has been substantially and significantly amended, based upon disclosure set forth in the second paragraph on page 5 of the specification, and on page 6 at lines 12 to 14 and at line 22 on the same page through line 1 on page 7. It is noted that clear support for the limitation in respect of the relative lengths of the support leg and the elongate member is found in the drawings; the disclosure on page 5 of the specification has been augmented to provide corresponding text.

By way of background, the Examiner will appreciate that a stated objective of the present invention is to improve on the earlier device of Rickards, as disclosed in US 2005/0035588 (WO 03 057 498 A1). Although the earlier device is capable of firmly holding books of various sizes without damaging the pages, the user is still required to hold the book while, for example, reading in bed.

The presently claimed book holder device is capable of holding and stably supporting a wide range of book sizes, on a variety of irregular surfaces, by providing a novel and nonobvious combination of features which is not taught in suggested by the prior art. More particularly, the device includes a support leg which has a unique ability to be placed into a range of positions which allow books of various sizes and weights to be stably supported, without being held by hand. By suitably adjusting the leg, using features unique to the present invention, a book that is held open by the device can be stably supported with its lower edge resting on a surface and with the support leg (40) extending between the elongate member (100) and a suitable position on the same (or perhaps an adjacent) surface.

Such adjustment is uniquely achieved, in accordance with the present invention, by means of a slider (63) which is slidably engaged with the elongate member (100) for movement longitudinally of the elongate member, such that the position of the support leg can be adjusted along the length of the elongate member. The support leg is also rotatably connected to the slider (63), for rotation about an axis (*E*) which is substantially perpendicular to the longitudinal direction of the elongate member (100), and it is pivotally connected to the slider (63) such that the support leg is angularly adjustable relative to the platform (14) about an axis (D) which is substantially parallel to the longitudinal direction of the elongate member (100). This affords an enormous range of adjustment in angle and position of the leg, such that a stable support tripod effect can always be obtained with the bottom edge of the book, regardless of the nature of the surface on which the book is supported. It is, of course, fundamental to the operation of the device as described that the length of said support leg (40) be less than that of the elongate member (100).

Turning now to the cited references, it is to be noted that the stand disclosed by Lewis is "*formed of a length of wire and a plastic tube 10.*" The length of wire is formed into a loop having sides 11, 12 and 13, with end portions 14 and 15 inserted through the tube 10. The loop may therefore act as a stand for a book held by the device -- but it is not a leg.

Moreover, the position of the Lewis stand is essentially static; the loop is basically constrained to be positioned substantially centrally along the length of the wire element. Although minor adjustments of the longitudinal position could conceivably be made by sliding one or both of end portions 14 and 15 within the tube 10, this would entail substantial distortions of the wire loop 11, 12, 13, and it is clear that the Lewis device is essentially conceived with a support loop fixed in a substantially central position.

The only purpose disclosed by Lewis for allowing the portions 14 and 15 to slide through the tube 10, furthermore, is to adjust the spacing between the clips 16 and 17 to accommodate books of different widths. (See column 1 line 52 – column 2

line 4.) Similarly, although the nature of a wire element would conceivably permit limited adjustment to the angle of the support loop, this would again involve bending the loop out of the plane of the end clips 16 and 17. It is clear that such distortion is not envisaged, since the patentee teaches, in column 1 at lines 45 and 46, that "*all of the wire portions 11-17 lie substantially on a common plane.*" Most certainly, there is no disclosure, suggestion, or remote possibility that the support loop 11, 12 13 could be "*rotated about an axis which is substantially perpendicular to the longitudinal direction of the elongate member*" 14, 15, as is required in the claimed device.

Rickards also fails to disclose any form of support leg. The Examiner does not assert otherwise.

Held discloses a book stand which is used to hold a book, but it is constructed to function in a manner that is fundamentally different from the present book holder. In accordance with Held, the book is supported at the upper end of a standard C, which in turn stands upon a basal tripod A. Clearly, the book cannot reasonably be made to rest upon the same surface as the tripod A since the support leg formed by the standard C is many times longer than the transverse length of the book holding portion. It follows from this that the function of the perpendicular rotatable connections comprising the screw T and rod U are entirely different from the corresponding connections provided for the support leg of the present book holder.

Furthermore, and very importantly, the slider plate L, which is engaged with the standard C via the gudgeon M' in the Held book holder, will always remain centrally disposed along the length of the elongate member formed by the plates N. This is because the studs Q secured to the plates N must travel along the twin spiral slots O' when the plate O is rotated "*forcing the pins and plates N equally and gradually outward.*" (See page 1, lines 81 to 95) Thus, Held fails to teach or suggest the features of the instant claims that are absent from Rickards, and those features that *are* disclosed function to serve a fundamentally different purpose. There is, in any event, no justification for combining features of Held with Rickards (or, for that matter, with Lewis).

Thus, it is a respectfully submitted that all claims of the instant application define an invention that is novel and patentable over the prior art. Withdrawal of the rejections, and passage of the application to allowance, are believed to be manifestly in order. Such actions are earnestly solicited.

Respectfully submitted,
ROBERT FRANCIS RICKARDS

By: _____
Ira S. Dorman
Attorney for Applicant
Reg. No. 24,469
Tel.: (860) 528-0772

CERTIFICATE OF MAILING

I, IRA S. DORMAN, hereby certify that this Amendment In Response to Office Action is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed as set forth on the first page hereof, on September 2, 2008.

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cc: Stephen A. Craske, Esq.
(Ref: P1154.US)